GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3791
ANSWERED ON:09.08.2016
Amendment in Section 309 and 377 of IPC
Chandumajra Shri Prem Singh;Kachhadia Shri Naranbhai

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has any proposal to amend Section-309 of IPC for suicidal attempts;

(b) if so, the details thereof;

(c) whether the Government also proposes to amend Section-377 of IPC for transgender rights;

(d) if so, the details thereof; and

(e) the details of key amendments and procedural constraints to make the said sections more relevant?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)
(a) & (e): The Law Commission of India, in its 210th Report: "Humanization and Decriminalization of Attempt to Suicide" had recommended that section 309 (attempt to commit suicide) of IPC needs to be effaced from the statute book. A draft amendment is presently under examination in the Ministry. As regards Section 377 of IPC, it is stated that pursuant to Curative Petition (Civil) 88-102 of 2014 before the Hon'ble Supreme Court, the Hon'ble Supreme Court
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referred the matter to a Five Judges Bench and as such the matter is currently sub-judice.
Amendments in the Criminal Justice System is a continuous process in order to make the laws in sync with social changes. The amendments in the Indian Penal Code (IPC) and the code of Criminal Procedure (CrPC) are carried out from time to time based on the recommendations of the Law Commission of India, various Court judgments and the reports of any other committees specially constituted for the purpose.
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